



City of Seattle

Gregory J. Nickels, Mayor
Department of Planning and Development
D. M. Sugimura, Director

**CITY OF SEATTLE
ANALYSIS AND DECISION OF THE DIRECTOR
OF THE DEPARTMENT OF PLANNING AND DEVELOPMENT**

Application Number: 2308468
Applicant Name: Greg Brant
Address of Proposal: 2445 Northwest 59th Street

SUMMARY OF PROPOSED ACTION

Master Use Permit to subdivide one parcel into two unit lots. Proposed lot sizes are: Unit Lot A) 2,590 square feet and Unit Lot B) 2,057 square feet. An existing two-unit townhouse structure would remain on the site.

The following approval is required:

Short Subdivision - to create two unit lots.
(Chapter 23.24, Seattle Municipal Code).

SEPA DETERMINATION: ☒ Exempt ☐ DNS ☐ MDNS ☐ EIS
☐ DNS with conditions
☐ DNS involving non-exempt grading, or demolition, or
involving another agency with jurisdiction.

BACKGROUND DATA

Site & Area Description

The 4,647-square foot site is located on NW 59th Street, on the block bounded by 26th Avenue NW to the west and 27th Avenue NW to the east. At the site location, NW 59th Street is improved with curb, gutter, and sidewalk. The site is developed with a two-unit townhouse structure and a two-car detached garage.

The subject property is zoned Residential, Multifamily, Lowrise 3 (L3). The site is not located in any mapped or observed environmentally critical area (ECA).

Development in the immediate area consists of a mix of residential uses including both single-family residences and multi-family development. Property immediately to the south, east, and west of the subject site is zoned Residential, Multifamily, Lowrise 3 (L3); property to the north (across NW 59th Street) is zoned Residential, Multifamily, Lowrise 2 (L2).

Proposal Description

The proposal is to subdivide one parcel (the “parent lot”) into two unit lots with vehicular access provided via an existing improved alley. Parking for both townhouse units would be located within an existing detached garage located on Unit Lot B. An access easement would allow Unit Lot B to cross Unit Lot A to access the garage. In addition, both of the unit lots would include existing private open space along the NW 59th Street frontage. No construction is currently proposed on the parent lot; the subject of this analysis and decision is only the proposed subdivision of land.

Public Comments

The comment period for this proposal ended on February 25, 2004. No comments were received.

ANALYSIS - SHORT SUBDIVISION

Pursuant to SMC 23.24.040, no short plat shall be approved unless specific criteria are met. Based on information provided by the applicant, referral comments from the Land Use Plans Examiner, the Drainage Section, the Fire Department, Seattle Public Utilities (City Light and the Water Department), and review by the Land Use Planner, the following findings are made with respect to the above-cited criteria:

1. *Conformance to the applicable Land Use Code provisions;*

The subject property is zoned for multi-family residential use. The lots to be created by this unit subdivision might not individually meet all of the standards of SMC Chapter 23.45 for Lowrise 3 zones including setbacks, density, and structure width and depth. Any future proposed construction must ensure that the development meets applicable standards when considered as a whole.

2. *Adequacy of access for vehicles, utilities, and fire protection, as provided in Section 23.53.005;*

Both of the proposed unit lots would have vehicular access to either 26th Avenue NW or 27th Avenue NW via an existing improved alley. In addition, both of the unit lots would have direct pedestrian access to NW 59th Street.

All private utilities are available in this area. Seattle City Light would provide electrical service to the proposed unit lot subdivision. After reviewing the proposal, City Light requires an easement to provide electrical facilities and service to the proposed unit lots (Easement “A” – P.M. #250311-2-028).

The Seattle Fire Department has reviewed and approved the proposed unit lot subdivision design.

3. *Adequacy of drainage, water supply, and sanitary sewage disposal;*

This area is served with domestic water, sanitary sewer, and storm drain facilities by the City of Seattle. Availability of service is assured subject to standard conditions of utility extension. The Short Plat application has been reviewed by Seattle Public Utilities, and Water Availability Certificate #2004-0117 was issued on February 6, 2004.

The existing structure is connected to a 10-inch public sanitary sewer (PSS) located in NW 59th Street. This mainline was originally constructed as a combined sewer; therefore, there are likely to be remaining downspout and area drain connections to it. In addition, an 18-inch public storm drain (PSD) is located at the downslope intersection between NW 59th Street and 26th Avenue NW. The PSD discharges to a Designated Receiving Water.

4. *Whether the public use and interests are served by permitting the proposed division of land;*

The proposed short subdivision is consistent with minimum Land Use Code provisions. The development would have adequate access for vehicles, utilities, and fire protection and would have adequate drainage, water supply, and sanitary sewage disposal. Therefore, the public use and interests would be served by permitting the proposed unit lot subdivision of land. The proposal meets all applicable criteria for approval of a short plat as discussed in this analysis.

5. *Conformance to the applicable provisions of SMC Section 25.09.240, short subdivision and subdivisions, in environmentally critical areas.*

This site is not located in a mapped or otherwise observed environmentally critical area as defined in SMC 25.09.240.

6. *Is designed to maximize the retention of existing trees.*

There are no existing trees on the parent lot; therefore, this provision is not applicable.

7. *Conformance to the provisions of Section 23.24.045, Unit lot subdivisions, when the short subdivision is for the purpose of creating separate lots of record for the construction and/or transfer of title of townhouses, cottage housing, clustered housing, or single-family housing.*

Pursuant to SMC 23.24.045(B), sites developed or proposed to be developed with townhouses, cottage housing, clustered housing, or single-family housing may be subdivided into individual nonconforming unit parcels if development as a whole on the parent lot meets applicable Land Use Code development standards.

A two-unit structure was built on the site in 1950. At that time, the Land Use Code did not include a “townhouse” use, and the structure was identified as a “duplex” in the original construction permit (Permit #401460). Currently, the structure meets the definition for “townhouse” use in the Land Use Code, and the applicant obtained Construction Permit No. 739249 (issued “subject to field inspection”) in 2003 to construct a draft stop in the attic to further separate the two units. For these reasons, the existing structure can be considered a townhouse use for the purposes of unit lot short subdivision.

The applicant should provide the following statement to assure that future owners have constructive notice that additional development may be limited due to nonconformities: *The unit lots shown on this site are not separate buildable lots. Additional development of the individual unit lots in this subdivision may be limited as a result of the application of development standards to the parent lot pursuant to applicable provisions of the Seattle Land Use Code, Chapter 23 of the Seattle Municipal Code.*

Consistent with SMC 23.24.045(C), additional development of the proposed unit lots may be limited. Subsequent platting actions or additions or modifications to the structure cannot create or increase any nonconformity of the parent lot. Consistent with SMC 23.24.045(D), access easements and joint use and maintenance agreements should be executed for shared walls on property lines, and driveway and pedestrian access.

The proposed short subdivision conforms to the provisions of SMC 23.24.045 for Unit Lot Subdivisions.

SUMMARY - SHORT SUBDIVISION

This unit lot short subdivision would be provided with adequate vehicular and emergency access and with public and private utilities. Adequate provisions for water supply and sanitary sewage disposal would be provided for each lot, and service is assured subject to standard conditions governing utility extensions. Adequate provisions for drainage control have also been provided.

DECISION - SHORT SUBDIVISION

The proposed Short Subdivision is **CONDITIONALLY GRANTED**.

CONDITIONS - SHORT SUBDIVISION

Conditions of Approval Prior to Recording:

The owner(s) and/or responsible party(s) shall:

1. Have final recording documents prepared by or under the supervision of a Washington state licensed land surveyor. Each lot, parcel, or tract created by the short subdivision shall be surveyed in accordance with appropriate State statutes. The property corners set shall be identified on the plat, and encroachments such as side yard easements, fences or structures shall be shown. Lot areas shall be shown on the plat. All existing structures, principal and accessory, shall be shown on the face of the plat, and their distances to the proposed property lines dimensioned.
2. Submit the final recording forms for approval and any necessary fees.
3. On the face of the plat, include an easement to provide for electrical facilities and service to the proposed lots as required by Seattle City Light (Exhibit "A," Easement P.M. #250311-2-028) on the final documents.
4. On the face of the plat, add the following notice: "*The unit lots shown on this site are not separate buildable lots. Additional development of the individual unit lots in this subdivision may be limited as a result of the application of development standards to the parent lot pursuant to applicable provisions of the Seattle Land Use Code, Chapter 23 of the Seattle Municipal Code.*"

Signature: (signature on file)
Leslie C. Clark, AICP
Land Use Planner

Date: March 15, 2004